

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 10, 2004

DIVISION ONE

B165728 Lee (Not for Publication)
v.
Franciscan Clinics

The order is affirmed. Franciscan Clinics is awarded its costs of appeal.

Vogel (Miriam A.), J.

I concur: Ortega, Acting P.J.
I dissent: Mallano, J. (Opinion)

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B167638 Children and Family Services v. Walter M., et al.
B161573 People v. Martin
B165827 People v. Ray
B163694 People v. Nguyen, et al.
B157904 People v. Hall, et al.
B166142 People v. Andrews
B162319 People v. Beauford
B168811 People v. Wade
B168410 People v. Taylor
B164594 People v. Bates

Argument waived, cause submitted.

DIVISION THREE (Continued)

B161677 Skinner, et al.
v.
Raffaella, Inc., et al.

Merits:
Argued by Stuart B. Esner for appellants and by Barry Levy for respondents. Cause submitted.

B157988 Gould
v.
21st Century Insurance Company, et al.

Merits:
Argued by Allen Botney for appellant and by Cynthia A. Palin for respondents. Cause submitted.

B160799 Ingram
v.
Regents of the University of California, et al.

Merits:
Argued by Scott Cummings for appellant and by Keri Lynn Bush for respondents. Cause submitted.

B166801 Baum
v.
Baum

Merits:
Argued by Bruce Adelstein for appellant and by Ronald A. Litz for respondent. Cause submitted.

Court recessed at 10:51 a.m.

Court reconvened at 1:30 p.m.

February 10, 2004 (Continued)

DIVISION THREE (Continued)

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B166255 People
v.
Arturo N.

Merits:
Argued by Jan B. Norman for appellant and by Timothy M. Weiner, deputy attorney general for respondent. Cause submitted.

B167105 Altounian
v.
Donoyan Insurance Agency, et al.

Merits:
Argued by Kevin J. Moore for appellant and by Daniel P. Barer for respondents. Supplemental letter briefs to be filed by counsel. Submission deferred.

Court adjourned at 2:05 p.m.

DIVISION FIVE

B165879 People (Not for Publication)
v.
In re Johnny Martinez

The judgment is reversed. The petition for writ of supersedeas is denied as moot. The amended temporary stay order of March 28, 2003, remains in full force and effect until the issuance and filing of this court's remittitur.

Turner, P.J.

I concur: Grignon, J.
I dissent: Armstrong, J. (Opinion)

DIVISION FIVE (Continued)

B167286 William Leader (Not for Publication)

v.

Russell Iungerich, et al.

The order of dismissal and the order sustaining the demurrer without leave to amend are reversed. The trial court is ordered to stay the proceedings in this case during the period in which plaintiff and appellant William Leader timely and diligently is pursuing his postconviction remedies. Appellant is awarded his costs on appeal.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

B161644 Ronald L. Gallegos (Not for Publication)

v.

Chalmers Corporation, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
Grignon, J.

B166431 People (Not for Publication)

v.

Eduardo Rodriguez

The abstract of judgment is to be modified to reflect 549 days of actual custody credits in addition to 82 days of conduct credits, for a total of 631 days of presentence custody credits. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
Armstrong, J.

February 10, 2004 (Continued)

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B166082 Marriage of Burnell

Argument continued to March, 2004.

B159600 Vaughn v. Lalama

Argument continued to May, 2004.

B166661 Marriage
 of
 Carpenter

Merits:

Argued by John F. Hodges for appellant and by R. Michael Devitt for respondent. Cause submitted.

B162506 Bailey
 v.
 Santa Barbara County

Merits:

Argued by Richard R. Bredlau for appellant and by Jake Stoddard, Deputy County Counsel, for respondent. Cause submitted.

Perren, J. left the bench.

DIVISION SIX (Continued)

B161862 Pflum
 v.
 Sears, Roebuck & Co.

Merits:
Argued by Erik B. Feingold for appellant and by Michael Stephen Helsley
for respondent. Cause submitted.

Court recessed at 10:00 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B170266 Dept. of Social Services v. Alicia W. & Frank L.

Argument waived, cause submitted.

B171800 Angela R.
 v.
 San Luis Obispo Superior Court
 (Dept. of Social Services, r.p.i.)

Appearances:
Alberto Boada, Deputy County Counsel, for real party in interest and no
appearance by petitioner. Presentation waived, cause submitted.

B166335 Ventura Co. Commercial Fishermen's Assoc.
 v.
 California Fish & Game

Merits:
Argued by Ilson Woo New for appellant; by Peter E. Von Haam, Deputy
Attorney General, for respondent California Fish & Game Commission;
and by Deborah Sivas for respondents Natural Resources Defense Council,
et al. Cause submitted.

DIVISION SIX (Continued)

B171030 Hernandez
 v.
 Ventura County Superior Court
 (Neal, r.p.i.)

OSC:
Presented by George M. Rosenberg for petitioner and by Harveen Singh Simpkins for real party in interest. Cause submitted.

B167136 Central Coast Fisheries Conservation Coalition
 v.
 California Fish & Game Commission

Merits:
Argued by Melvin A. De La Motte for appellants and by Gary Tavetian, Deputy Attorney General, for respondents. Cause submitted.

Gilbert, P.J. left the bench.

B169982 Pebworth
 v.
 Worker's Compensation Appeals Board

Review:
Presented by William A. Herreras for petitioner, by Patrick O'Shaughnessy for amicus curiae California Applicant's Attorney's Association, by Kim Enriquez for respondent Workers' Compensation Administrators (Allan Hancock College); and by Neil P. Sullivan for respondent Workers' Compensation Appeals Board.

Counsel shall serve and file discretionary supplemental letter briefs on or before February 24, 2004, as to whether or not this matter is moot and the effect of the deletion of Section 4646 of the Labor Code, at which time, the matter will stand submitted.

Court adjourned at 3:45 P.M.

DIVISION SEVEN

B161641 Kok
 v.
 City of Pasadena

Filed order denying petition for rehearing.

DIVISION EIGHT

B160578 Noralee Gold
 v.
 I. Donald Weissman, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)